THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 28417 OF 1997

DATE: 19-2-2007

Between:

S.Prabhakar .... Petitioner

And

1. A.P. Residential Educational Institutions Society, rep. By its Secretary, Hyderabad
And 2 others ... Respondents

THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

W.P.No. 28417 OF 1997

ORDER:

Petitioner claims parity in scales of pay with several others who

are also engaged on part time basis as a trained graduate teachers in the schools run by the respondent – society.

The fact that other employees, mentioned in the affidavit filed in support of the writ petition, are being given regular scales of pay is not denied in the counter affidavit. All that is contended is that till the services of the employees are regularized, they are not entitled for regular scales of pay. As held in **Secretary, A.P. Socia Welfare Residential Educational Institutions Society v. P.Venkata Kumari**[1], since the petitioner has put in the required five years of service, and was working as on 25.11.1993, he is entitled for being considered for regularization in accordance with G.O.Ms.No.212 dated 22.4.1994. The case of the respondents is that an appeal against the order of the Division Bench is pending before the Supreme Court and there is an order of status quo and, in such circumstances, the question of considering the case of the petitioner or others similarly situated for regularization of their services does not arise.

This Court, by order in W.P.M.P.33110 of 1997 dated 31.10.1997, directed the respondents to consider payment of regular scales of pay. Sri A.V.Ramana, learned counsel for the petitioner, would submit that pursuant to the interim directions, the petitioner has been extended regular scales of pay with effect from 6.3.1999 and that he is being paid the regular scales of pay as on date subject, however, to a rider that such payment shall be subject to the result of the writ petition.

In view of the fact that non-consideration of the petitioner's case for regularization is for no fault of his and since other similarly situated teachers have, admittedly, been extended the benefit of regular pay scales, I see no reason to deprive the petitioner of the same benefit till

a final decision is taken by the respondents on the regularization of his services and necessary orders are passed in this regard.

The interim directions passed earlier shall be treated as the final order and the petitioner shall be continued to be paid the regular scales of pay as applicable to trained graduate teachers on par with similarly situated part-time trained graduate teachers.

The writ petition is disposed of accordingly. No order as to costs.

21-2-2007

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[1] 2001(3) ALT 366 (D.B.)